

The High Court Of Madhya Pradesh
WP-18359-2018

(ANUJ KUMAR LODHI & ORS Vs THE STATE OF MADHYA PRADESH)

Gwalior, dated :20.08.2018

Shri Rajnish Sharma, Advocate for petitioners.

Shri Vivek Jain, Govt. Advocate for respondents/State.

Let notice be issued to the respondents on payment of process fee within next three working days failing which the petition shall stand automatically dismissed without further reference to this bench.

The petitioners assail the impugned advertisement P/1, dated 07.07.2018 inviting applications from eligible persons to be appointed as guest faculty teachers to fill up the temporary vacancy on sanctioned posts created on account of non-availability of regular incumbents proceeding on medical/earned or other sanctioned leave for 15 or more days, regular incumbents proceeding on paternity/maternity/child care leave, regular incumbent proceeding for D.Ed/B.Ed/M.Ed training and to fill up the vacancy created by nonavailability of regular teachers in newly established High School, Higher Secondary School/Model School.

The petitioners who allege that they are working as guest faculty teachers since long till expiry of last academic session 2017-18, apprehend that the impugned advertisement P/1 may adversely affect the prospects of their further appointment as guest faculty in the coming academic session 2018-19.

It is submitted that the Apex Court is seized of the matter in regard to guest faculty teachers appointed in the govt. colleges in the case of **Ramveer Singh Gurjar Vs. President, Jan Bhagidari Samiti & others in SLA (C) 12946-12950/2017**, where status quo has been ordered on 17/8/2017 which

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continues to subsist till date.

In the aforesaid background, it is submitted by the counsel for the petitioners that similar petitions of guest faculty challenging the same advertisement as assailed herein by guest faculty teachers appointed in govt. schools are pending consideration before this court and as well as at the Principal Seat at Jabalpur in which interim orders have been passed, which are cumulatively filed as Annexure- P-4 & P-5 .

In all the interim orders passed by coordinate benches of this court the petitioners guest faculties therein have been allowed to continue in service without being replaced by ad-hoc arrangements.

This court is unable to concur with the said interim views of the co-ordinate benches since grant of similar interim order shall take away the privilege of the State to carry out an annual exercise of subjecting the candidature of petitioners to scrutiny for deciding the question of their re-engagement for the new academic session. It would further grant licence to guest faculty to continue indefinitely.

However to protect the interest of petitioners and the State, it is directed that in the meantime the impugned advertisement, P/1 shall not come in way of the respondents, if they intend to consider petitioners for further fresh appointment as guest faculty in the current/next academic session.

List the case alongwith W.P.No. 16401/2018.

sh/-

(Sheel Nagu)
Judge